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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,325	06/29/2001	Daniel Albert Enns	3060P2338	8387
23504	7590	04/06/2005	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,325

Applicant(s)

ENNS ET AL.

Examiner

Jude J Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/06/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-12 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 06 December, 2004.

Response to Amendment

1. This action is responsive to the application filed on December 6th, 2004. Claims 1, 6, 7, 10, 11, and 12 were amended. Claims 2, 9, 13-14 have been cancelled. There are no new claims in this response. Claims 1, 3-8, 10-12, 15-22 are pending, and represent a method and system for a "AN IP/HDLC ADDRESSING SYSTEM FOR REPLACING FRAME RELAY BASED SYSTEMS AND METHOD THEREFOR".

Response to Arguments

2. Applicant's arguments with respect to claims 1, 6, 7, 10, 11, and 12 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (*i.e., a method wherein a each remote site in a system have a remote site modem and is connected directly to another remote site using single hop and IP addressing for connectivity*) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections and/or rejections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2143

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, improperly depends on **claim 2** which has been cancelled by the applicant. The Examiner assumes that **claim 3** depends on **claim 1** to effectively examine the invention.

The above noticed problem is just exemplary. Applicant is required to totally check the application for error and correct the same.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-8, 10-12, 15-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichman et al (Reichman), U.S. Patent No. 6,240,073 B1, in view of Rai et al (Rai), U.S. Patent No. U.S. 6,675,208 B1.

Regarding **claim 1**, Rai teaches a satellite network system having STAR topology (*fig. 1, items 11-24*) comprising:

hub site (*fig. 1, item 18; column 8, lines 56-62*); and

a plurality of remote sites, each remote site having a remote site modem (*column 17, lines 18-28; fig. 7, item 160*) to allow direct communication with another remote site (*fig. 1, items 12, 14, 16, 18 and 22; note that network A is capable of communicating directly with network B*);

wherein call control and management between the hub site and the remote site use Internet Protocol addressing (*column 17, lines 18-28; fig. 7, item 156*) and HDLC addressing at a link level for identification thereby allowing only a desired remote site read data transmitted (*fig. 14, items 326-328; column 22, lines 18-46*);

wherein direct single-hop connectivity is achieved between remote sites through the use of IP addressing (*column 15, lines 18-28; fig. 7, item 156; column 15, lines 23-67; note that the information here is being transmitted in a single hop*).

However, Reichman does not specifically disclose call control and management between the hub site and the remote site use HDLC addressing at a link level for identification thereby allowing only a desired remote site read data transmitted.

In the same field of endeavor, Rai teaches a method " Base remote stations that support IP over PPP with HDLC links using point to point T1 or fractional T3 links..." [see *Rai, column 15, lines 1-14*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rai's

Art Unit: 2143

teachings of a system that uses IP and HDLC addressing at a link level for identification, with the teachings of Reichman, for the purpose of *"providing a network an ability to degrade gracefully under heavy load conditions and support for enhanced network services to the relative benefit of users and services providers..."* as stated by Rai in lines 25-30 of column 5. By this rationale **claim 1** is rejected.

Regarding claim 3: The combination Reichman-Rai teaches the network system of claim 1 further comprising:

a first communication channel to transmit data to the plurality of remote sites [see *Rai, column 2, lines 45-50*]; and

a plurality of second communication channels to transmit data from the plurality of remote sites to the hub [see *Rai, fig. 6, point to point T1 link to remote access points, item 82R*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 2 [see *Rai, column 5, lines 25-30*]. By this rationale **claim 3** is rejected.

Regarding claim 4: The network of Claim 1 wherein the hub site comprises:

a first IP modem for receiving and transmitting data and from the hub site and maintaining a network database [see *Rai, column 31, lines 56-67; column 32, lines 1-19*] and

at least second IP modem receiving data from remote site [see *Rai, column 19, lines 21-50*].

Regarding claim 5: The combination Reichman-Rai teaches the network of claim 1 wherein the at least one remote site comprises a remote modem for continuously receiving data from the hub site and for transmitting data when required [see *Reichman*, column 17, lines 18-28; fig. 7, item 160].

Regarding claim 6: The combination Reichman-Rai teaches a network system comprising:

a hub site [see *Reichman*, fig. 1, item 18; column 8, lines 56-62];

a plurality of remote sites, each remote site having a remote site modem to allow directly communication with another remote site and for continuously receiving data from the hub site and for transmitting data when required [see *Reichman*, fig. 1, items 12, 14, 16, 18 and 22; note that network A is capable of communicating directly with network B];

a satellite transmitting data to and from the hub site and the remote site [see *Reichman*, fig. 1, items 11-24];

wherein control and management between the hub site and the remote site use Internet Protocol addressing and HDLC addressing for identification [see *Rai*, column 15, lines 1-14];

wherein direct single-hop connectivity is achieved between remote sites through the use of IP addressing [see *Reichman*, column 15, lines 18-28; fig. 7, item 156; column 15, lines 23-67; note that the information here is being transmitted in a single hop].

Regarding claim 7: The combination Reichman-Rai teaches a network system

Art Unit: 2143

Claim 6 further comprising a plurality of channels [see Reichman, fig. 4, item 60]

wherein the plurality of channels comprises:

a first communication channel to transmit data to the plurality of remote sites; and
a plurality of second communication channels to transmit data from the plurality of remote sites to the hub [see *Reichman*, column 14, lines 21-67; column 20, lines 52-67].

Regarding claim 8: The combination Reichman-Rai teaches the network of Claim 7 wherein the hub site comprises:

a first IP modem for receiving and transmitting data and from the hub site and for maintaining a network database [see *Rai*, column 31, lines 56-67; column 32, lines 1-19] and

at least one second IP modem for receiving data from a remote site [see *Rai*, column 19, lines 21-50].

Regarding claim 10: The combination Reichman-Rai teaches the network of Claim 8 wherein a data base stored the first IP modem maintains a listing of all

the plurality of channels in the network; a listing of destination addresses
destination HDLC addresses for each of the plurality of channels; listing of a
guaranteed minimum available bandwidth of each of the plurality of channels and
listing maximum allowable bandwidth of each of the plurality of channels [see
Rai, column 15, lines 1-14; see *Reichman*, column 14, lines 21-67; column 15,
lines 3-67].

Regarding claim 11: The combination Reichman-Rai teaches the network of Claim 10 wherein the data base stored in the first IP modem maintains a listing of encryption capability of each channel [see *Rai*, column 23, lines 27-67, column 24, lines 1-52].

Regarding claim 12: The combination Reichman-Rai teaches a network system having STAR topology and which allows on demand single hop connectivity between remote sites comprising:

a hub site [see *Reichman*, fig. 1, item 18; column 8, lines 56-62];

plurality remote sites [see *Reichman*, fig. 1, items 12, 14, 16, 18 and 22; note that network A is capable of communicating directly with network B];

a first channel for sending data from the hub site to all of the plurality of remote sites; and a plurality of second channels for transmitting data from each of the plurality remote sites the hub site and transmitting data between plurality of remote sites [see *Reichman*, fig. 4, item 60, column 14, lines 21-67; column 20, lines 52-67];

wherein call control and management between the hub and the remote sites and between different remote sites use Internet Protocol addressing identification [see *Rai*, column 15, lines 1-14];

wherein the hub site comprises:

a first IP modem for receiving and transmitting data to and from the hub site and for maintaining a network database [see *Rai*, column 31, lines 56-67; column 32, lines 1-19];

Art Unit: 2143

at least a second IP modem for receiving data from a remote site[see *Rai*, column 19, lines 21-50]; and

a single hop server for configuring channels to transmit data directly between different remote sites [see *Rai*, column 19, lines 19-67]

wherein each of the plurality of remote sites comprises:

a first remote modem for continuously receiving data from the hub site and for transmitting data when required[see *Rai*, column 31, lines 56-67; column 32, lines 1-19]; and

a second remote modem for receiving data sent from a different remote site[see *Rai*, column 19, lines 21-50].

Regarding **claims 15** stand rejected as articulated in the First Office Action by Rai and further in this Office action, in combination with Reichman with respect the network satellite, the single hop connectivity, the network channels, the remote sites modems, as well as the direct communications among remote sites

Response to Arguments

6. Applicant's Request for Reconsideration filed on December 6th, 2004 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

- A. The Rai patent fails to disclose or anticipate each remote site having a remote site modem to allow direct communications with another remote site;
- B. The Rai patent fails to disclose direct single-hop connectivity achieved between remote sites through the use of IP addressing ;
- C. The Rai patent fails to disclose a single-hop server for configuring channels to transmit data directly between remote sites;

7. As to "Point A", it is the position of the Examiner that Rai teaches the limitations of the claim. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained above. The Rai patent discloses remote sites that allow direct communication in a network through remote site modems. Because the applicant amended the claim from a generic network to a satellite network, the examiner search and found that Reichman uses a satellite network in the same field of endeavor [see *Reichman*, fig. 1, items 12, 14, 16, 18 and 22];

As to "Point B", it is also the Examiner's position that the combination Rai-Reichman in detail teaches the limitations of the claim. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained above [see *Reichman*, column 15, lines 18-28; fig. 7, item 156; column 15, lines 23-67; note that the information here is being transmitted in a single hop)];

As to "Point C", it is also the Examiner's position that the combination Rai-Reichman in detail teaches the limitations of the claim. Applicant's arguments are

Art Unit: 2143

deemed moot in view of the following new grounds of rejection as explained above [see *Rai*, column 19, lines 19-67];

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

Will C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn, Jr.

JJG

March 30, 2005

JS